



Guidance to Police Officers Applying for Out of Hours Search Warrants

Contact the Duty Legal Advisor for the Relevant Court Area (As Detailed Below)

Court Area	Boroughs	Contact Number
Central & South East	<ul style="list-style-type: none"> ▪ Hammersmith & Fulham ▪ Kensington & Chelsea ▪ City of Westminster ▪ City of London ▪ Bexley ▪ Bromley ▪ Greenwich ▪ Lewisham ▪ Lambeth ▪ Southwark ▪ Croydon ▪ Sutton 	<div style="border: 1px dashed black; padding: 10px; width: 60px; margin: 0 auto;">DPA</div>
North & East	<ul style="list-style-type: none"> ▪ Hackney ▪ Tower Hamlets ▪ Newham ▪ Waltham Forest ▪ Redbridge ▪ Havering ▪ Camden & Islington ▪ Enfield ▪ Haringey 	<div style="border: 1px dashed black; padding: 10px; width: 60px; margin: 0 auto;">DPA</div>
North West & South West	<ul style="list-style-type: none"> ▪ Barnet ▪ Brent ▪ Ealing ▪ Feltham ▪ Uxbridge ▪ Richmond upon Thames ▪ Merton ▪ Wandsworth 	<div style="border: 1px dashed black; padding: 10px; width: 60px; margin: 0 auto;">DPA</div>

The Out of Hours Scheme Applies

Monday to Friday	5pm to 7am*
Saturday and Bank Holidays	4pm to 7am
Sunday, Christmas Day and Good Friday	Midnight to midnight
<i>Applications outside of these hours should be made to a magistrates' court. On Saturdays or Bank Holidays these applications may be heard at Lavender Hill, Thames, Highbury, Barkingside, Willesden, Westminster, Camberwell Green and Bromley.</i>	

* Between the hours of 5pm and 7pm it may not be possible to guarantee to return a call in the time periods set for the normal scheme.

Guidance Notes

- Where a call cannot be answered immediately, police officers will be invited to leave a message and any call will be returned within 60 minutes
- **The out-of-hours service should be used only where the need to execute a warrant is sufficiently urgent that it cannot wait until the next business day**
- Police officers must **only** use the contact numbers provided above and should never approach a magistrate directly
- Police officers should expect magistrates to allow only **one** officer into their home to make the application
- Police officers will be required to produce their warrant card before being allowed into a magistrates' home
- The magistrate will retain the information and any relevant schedules or copies and return them to the court.

APPLICATION FOR SEARCH WARRANT

(Criminal Procedure Rules, rule 6.30; section 8, Police and Criminal Evidence Act 1984)

Use this form ONLY for an application for a search warrant under section 8 of the Police and Criminal Evidence Act 1984 (PACE). There is a different form of application for the court to issue a search warrant under another power to which sections 15 & 16 of PACE apply. A magistrates' court cannot authorise a search for excluded or special procedure material. See also the notes for guidance at the end of this form.

Application to Barkingside	Magistrates' Court
This is an application by DC Nainesh DESAI	(Name of applicant)
of Metropolitan Police Service	(name of police force or investigating agency)
Applicant's address: ¹ Barking & Dagenham Police, Fresh Wharf Patrol Base, Unit 24, Muirhead Quay, Fresh Wharf Road, Barking, IG11 7BG.	
Email address: Nainesh.Desai@met.pnn.police.uk	
Phone: 0203 276 1056	Mobile:
I am a constable <input checked="" type="checkbox"/> or another person authorised to apply for a search warrant ² <input type="checkbox"/>	
I estimate that the court should allow 15 minutes	(time) to read this application and
15 minutes	(time) for the hearing. ³
I expect any warrant issued to be executed on 26/06/2014	(give the planned date).
I wish to attend the hearing by live link (if available) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

1. Complete the box above and boxes 1 to 8 below. If you use an electronic version of this form, the boxes will expand.⁴ If you use a paper version and need more space, you may attach extra sheets.

2. Complete the declaration in box 9 and the authorisation in box 10.

3. Attach the draft warrant(s) you are asking the court to issue.

4. Send or deliver a copy of the completed form and draft warrant(s) to the court. You may send them by secure email. Make sure the court knows if the application is urgent. Your time estimates will help the court to allow enough time to prepare for the hearing.

1) The offence(s) under investigation.⁵ Make sure the court has a copy of any legislation to which you want to refer, including any legislation which allows you to make this application if you are not a constable. If necessary, attach a copy of the legislation when you send or deliver this form to the court.

1(a) What offence(s) are you investigating? Specify the legislation or other law which creates the offence.

The following offences are under investigation;

1. Theft of Mobile Phone - Section 1, Theft Act, 1968.
2. Perverting the Course of Justice - Common Law.
3. The unexplained death of Mr Anthony Patrick WALGATE.

¹ See guidance note 2 at the end of this form.

² E.g. an officer of HM Revenue and Customs or of the National Crime Agency. See guidance note 3 at the end of this form. In box 1, specify the legislation which allows you to apply.

³ See guidance note 4 at the end of this form.

⁴ Forms for use with the Rules are at: www.justice.gov.uk/courts/procedure-rules/criminal/formspage.

⁵ See guidance note 5 at the end of this form.

1(b) If you are not a constable, how does the legislation allow you to make this application?

N/A.

2) The investigation. What you need to explain will depend on the offence(s) under investigation.

2(a) What are you investigating? Explain briefly.

Police are investigating the unexplained death of Mr Anthony Patrick WALGATE.

On Thursday 19.06.2014 police were called to outside 59, COOK STREET, BARKING, ESSEX, IG11 7AF by a member of the public. Mr Stephen PORT of 62, COOK STREET, BARKING, ESSEX, IG11 7AF. He stated that he came home from work in the early hours of the morning, saw a male slumped against the entrance to his block of flats. To gain entry he moved him, subsequently called the London Ambulance Service and then went to be.

At the location was a deceased male - Mr Anthony Patrick WALGATE Date of Birth; 08.05.1991 of DPA
DPA He was found propped up against a bin cupboard in an open pedestrian area. Life was pronounced extinct at 07:51 a.m. Mr WALGATE had no visible injuries.

On Friday 20.06.2014 a Special Post Mortem was conducted at Queens Hospital Romford by Dr BIEDRZYCKI. The result of this was inconclusive and the results to toxicology are outstanding. The pathologist noted that the deceased had a 'heavy brain & heavy lungs' indicting drug use. At this time the death remains unexplained.

A friend of the deceased, Miss China DUNNING has provided lifestyle information and has stated that he worked as a male prostitute. She stated that he had arranged to meet a client on 17.06.2014. The client provided the deceased with his details as follows;

Joe DEAN DOB 02.02.1986 of 72, ST. ANNES ROAD, IG11 7AF.

Miss DUNNING stated that the client agreed a price of £800.00 for the services of the deceased. The deceased was concerned about this as the client agreed to the price. (This is unusual as the deceased would have expected some discussion over the price).

Miss DUNNING provided a distinctive description of the client that was shown to her by the deceased on his mobile phone on 17.06.2014. Police compared this description to a photograph of Mr Stephen PORT (the original informant) held on police indices and noticed similarities. As a result, the image was shown to Miss DUNNING on 25.06.2014 and has stated that she is 97% certain that this is the same male as the photo shown to her by the deceased.

Enquiries on the deceased's Oyster Card has shown that he exited Barking Train Station on 17.06.2014 at 22:13 Hrs.

On 19.06.2014 Mr Stephen PORT provided a statement to police and stated that he happened to pass by the y the deceased and found him in the street. This account is now believed to be false. There is now information to indicate that Mr PORT that Mr PORT had arranged to meet with the deceased on 17.06.2014 and that the deceased travelled to meet him in Barking to engage in sexual activity. The deceased was found some 15-20 meters from the front door of Mr PORT and the post code of the client that the deceased was due to meet - IG11 7AF - is the same as Mr PORT'S home address.

2(b) Why do you believe that the offence(s) under investigation has/have been committed? Explain briefly.

Mr PORT has made arrangements to meet the deceased. He has provided a statement to police and gave a false account. There are grounds to believe that the deceased may have been inside the address. The post code given by the client matches that of Mr PORT. The deceased's mobile phone remains outstanding and has not been recovered by police. This phone was in possession of the deceased when he travelled to Barking on 17.06.2014 (evidenced by a witness).

The pathologist noted that the deceased had a 'heavy brain & heavy lungs' indicting drug use. Mr PORT was arrested on 31.12.2014 for Rape of a male over 16. It was alleged that Mr PORT gave his partner drugs and had non-consensual anal sex. No further action was taken as the victim was unwilling to substantiate the allegation.

3) Material sought.⁶ Explain how what you are looking for meets the criteria set by section 8 of PACE.

3(a) What are you looking for? Identify the material for which you want to search in as much detail as practicable.

1. Mobile phone belonging to the deceased, Mr Anthony Patrick WALGATE.
2. Controlled Drugs that may have contributed towards the death of the deceased, Mr Anthony Patrick WALGATE.
3. Evidence that the deceased, Mr Anthony Patrick WALGATE was at 62, COOK STREET, BARKING, ESSEX, IG11 7AF.

3(b) Why do you believe that the material for which you want to search is likely to be of substantial value to the investigation? Material may be of substantial value by itself or together with other material.

This information will be of substantial value to the investigation in the following ways;

1. The victim's mobile phone may be recovered.
2. Other evidence will be recovered that will assist the Coroner in determining the cause of death for the deceased, Mr Anthony Patrick WALGATE.
3. Evidence confirming the presence of the deceased, Mr Anthony Patrick WALGATE at the address would assist in disproving the initial account provided by Mr Stephen PORT.

3(c) Why do you believe that the material for which you want to search is likely to be relevant evidence? There may be nothing to add to the answer to (b) above.

As outlined at 3(b).

3(d) Is there any reason to think that the material for which you want to search consists of or includes items subject to legal privilege, excluded material or special procedure material?

At this time there is no evidence to suggest that items subject to Legal Privilege, Excluded Material or Special Procedure Material is at the address. The Police Briefing and Risk Assessment with outline action to be taken by officers should such material be encountered.

⁶ See guidance notes 6 to 10 at the end of this form.

To the best of my knowledge and belief:

- a) this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application, and
- b) the content of this application is true.

Signed: ⁸	Signature	[applicant]
Date:	26.06.2014	Time: 0830

Warrant to enter and search premises for evidence of an indictable offence
(Section 15 of the Police and Criminal Evidence Act 1984)

**check box as applicable*

(Specify name of court: Barkingside) **Magistrates' Court (Code 2573)**

Date: 26.06.2014

On this day an application supported by information was made by (specify name of applicant):

DC Nainesh DESAI for the issue of

warrant under section 8 of the Police and Criminal Evidence Act 1984 to enter:

the one set of premises situated at (specify premises):
62, COOK STREET, BARKING, ESSEX, IG11 7AF;

the sets of premises described in the Schedule attached;]

and search for (identify so far as is practicable the material sought):

1. Mobile phone belonging to the deceased, Mr Anthony Patrick WALGATE.
2. Controlled Drugs that may have contributed towards the death of the deceased, Mr Anthony Patrick WALGATE.
3. Evidence that the deceased, Mr Anthony Patrick WALGATE was at 62, COOK STREET, BARKING, ESSEX, IG11 7AF.

Authority is hereby given for any constable, [+accompanied by such other person or persons as are necessary for the purposes of the search], to enter the said premises on the number of occasions specified below within *three months* from the date of issue of this warrant and on *each such occasion* to search for the material in respect of which the application is made.

Number of occasions that each set of premises may be entered and searched under this warrant is:

[+on ONE occasion only.]

+subject to any second and subsequent entry being authorised in writing by an inspector or above.

~~[+on NOT MORE THAN (enter words and number) occasions.]~~

~~[+on an UNLIMITED number of occasions.]~~

+delete as applicable

District Judge (Magistrates' Court)
Justice of the Peace

COPIES TO BE MADE:

- (a) For a warrant which specifies only one set of premises and does NOT authorise multiple entries (no Schedule) – TWO copies.
- (b) For any other warrant to which a Schedule of the premises to which entry is authorised – as many copied as are required. An occupier is not entitled to be given details of, or any information about, other premises to which the warrant authorises entry. Whenever premises are entered under a warrant to which a Schedule is attached, the copy that is given to the occupier or left on the premises should be endorsed by the officer in charge of the search to specify the premises entered on that occasion.

SEE PAGE 3 FOR ENDORSEMENT TO BE MADE AFTER EACH ENTRY AND SEARCH UNDER THIS WARRANT

THIS WARRANT AND ITS SCHEDULE (IF APPLICABLE) TO BE RETURNED TO THE APPROPRIATE PERSON – SEE SECTION 16(10) PACE

Warrant to enter and search premises for evidence of an indictable offence
(Section 15 of the Police and Criminal Evidence Act 1984)

(Specify name of court: Barkingside) Magistrates' Court (Code 2573) *check box as applicable

Date: 26.06.2014

On this day an application supported by information was made by (specify name of applicant):
DC Nainesh DESAI for the issue of

warrant under section 8 of the Police and Criminal Evidence Act 1984 to enter:

- the one set of premises situated at (specify premises):
62, COOK STREET, BARKING, ESSEX, IG11 7AF;
- the sets of premises described in the Schedule attached;

and search for (identify so far as is practicable the material sought):

1. Mobile phone belonging to the deceased, Mr Anthony Patrick WALGATE
2. Controlled Drugs that may have contributed towards the death of the deceased, Mr Anthony Patr
3. Evidence that the deceased, Mr Anthony Patrick WALGATE was at 62, COOK STREET, BARKIN

Signature

A/121
4-12
26-06-14

Signature

Authority is hereby given for any constable, [+accompanied by such other person or persons as are necessary for the purposes of the search], to enter the said premises on the number of occasions specified below within *three months* from the date of issue of this warrant and on *each such occasion* to search for the material in respect of which the application is made.

Number of occasions that each set of premises may be entered and searched under this warrant is:

[+on ONE occasion only.]

+subject to any second and subsequent entry being authorised in writing by an inspector or above.

~~[+on NOT MORE THAN (enter words and number) occasions.]~~

~~[+on an UNLIMITED number of occasions.]~~

+delete as applicable

Signature

Signature

District Judge (Magistrates' Court)
Justice of the Peace

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